

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 57th Legislature (2019)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2346

By: Caldwell (Chad)

7
8 COMMITTEE SUBSTITUTE

9 An Act relating to civil procedure; amending 12 O.S.
10 2011, Section 850, which relates to judgments;
11 providing gender-neutral language; providing fine for
12 contempt punishment; setting maximum fine amount; and
13 providing an effective date.

14 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

15 SECTION 1. AMENDATORY 12 O.S. 2011, Section 850, is
16 amended to read as follows:

17 Section 850. The judge after the hearing provided herein may
18 order any property of the judgment debtor, not exempt by law, in ~~his~~
19 possession of the debtor or under ~~his~~ control of the debtor to be
20 applied toward the satisfaction of the judgment, and may enforce the
21 same by proceedings for contempt in case of refusal or disobedience.

22 The judge may further order the judgment debtor to pay to the
23 judgment creditor or apply on the judgment in installments, such
24 portion of ~~his~~ nonexempt income of the debtor, however or wherever

1 earned or acquired, as the court may deem proper after due regard
2 for any payments required to be made by the judgment debtor by
3 virtue of law or prior order of a court or under wage assignments
4 outstanding. Where the judgment debtor claims or is proved to be
5 rendering services to or employed by a relative or other person or
6 by a corporation owned or controlled by a relative or other person,
7 without salary or compensation, or at a salary or compensation so
8 inadequate as to satisfy the court that such salary or compensation
9 is merely colorable and designed to defraud or impede the creditors
10 of such debtor, the court may direct such debtor to make payments on
11 account of the judgment, in installments, based upon a reasonable
12 value of the services rendered by such judgment debtor under ~~his~~
13 said employment or upon said debtor's then earning ability. The
14 court may, from time to time, modify an order made under this
15 section upon application of either party upon notice to the other.
16 A failure or neglect of the debtor to comply with an order of
17 direction of the court, shall, upon conviction, be punished ~~as~~ for
18 contempt and subject to a fine not to exceed Five Hundred Dollars
19 (\$500.00) as provided in Section 566 of Title 21 of the Oklahoma
20 Statutes.

21 SECTION 2. This act shall become effective November 1, 2019.

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23 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 02/27/2019 - DO
24 PASS, As Amended.